

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THEODORE LEE LAWTON,

Petitioner,

v.

CASE NO. 10-10048

HONORABLE GEORGE CARAM STEEH

NICK LUDWICK,

Respondent.

**ORDER DENYING PETITIONER'S MOTION FOR
ORAL ARGUMENT AND APPOINTMENT OF COUNSEL**

Petitioner Theodore Lee Lawton has filed a pro se habeas corpus petition challenging his Kent County convictions for armed robbery and felony firearm. He alleges that: (1) he and his family and friends were led to believe that the public could not be present during *voir dire* at his second trial; (2) he was denied a fair trial when the jury was permitted to view photographs of him holding a handgun; (3) defense counsel was ineffective for failing to challenge a search warrant that was supported by an affidavit containing obvious falsehoods; (4) a detective destroyed portions of a recorded telephone conversation and also withheld information about the recording for nearly six months, and defense counsel was ineffective for failing to seek suppression of the recording; (5) defense counsel was ineffective at sentencing for failing to argue that the language for offense variable seven of the sentencing guidelines is vague; and (6) appellate counsel was ineffective for failing to raise issues two through five in Petitioner's appeal of right.

Currently pending before the Court is Petitioner's motion for oral argument and appointment of counsel. Petitioner alleges that he is unable to retain counsel and that oral argument would assist the Court in reaching a decision on the complex issues raised in his brief.

There is no constitutional right to counsel in a habeas corpus proceeding, Post v. Bradshaw, 422 F.3d 419, 425 (6th Cir. 2005), and appointment of counsel in a civil case such as this one "is justified only in exceptional circumstances." Lanier v. Bryant, 332 F.3d 999, 1006 (6th Cir. 2003). Petitioner has demonstrated his ability to represent himself, and the parties' pleadings adequately set forth and argue the issues. Consequently, there is no need for oral arguments or appointment of counsel, and Petitioner's motion [Doc. #21, filed on January 2, 2013] is **DENIED**.

Dated: May 6, 2013

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on May 6, 2013, by electronic and/or ordinary mail and also on Theodore Lawton #254897, Bellamy Creek Correctional Facility, 1727 West Bluewater Highway, Ionia, MI 48846.

s/Barbara Radke
Deputy Clerk